

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**RALPH MOORE**

**V.**

**EILEEN KENNEDY, ET AL.**

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**C. A. C-04-302**

**APPELLATE *IN FORMA PAUPERIS* DEFICIENCY ORDER**

The Court has received plaintiff's notice of appeal (D.E.40). The notice of appeal is deficient because it is unsigned. Fed. R. Civ. P. 11(a); LR11.3. Plaintiff also failed to pay the filing fee of \$255.00 or submit a completed application to proceed on appeal *in forma pauperis* with his original signature. Plaintiff did submit, attached to his motion for appointment of counsel, his *in forma pauperis* data sheet (D.E. 41).

In lieu of striking plaintiff's notice of appeal, plaintiff will be given an opportunity to correct the deficiencies. Plaintiff must forward to the Clerk an amended notice of appeal, with his original signature, within twenty days of the date of this order.

It is further **ORDERED** that the Clerk forward to Plaintiff/Appellant an application to proceed *in forma pauperis*. Within twenty days of the date of this order Plaintiff/Appellant must submit to the district court either the appellate filing fee of \$255.00 or a completed application to proceed *in forma pauperis*. Plaintiff already attached a copy of his *in forma pauperis* data sheet (D.E. 41) and need not submit another copy.

Failure to timely comply may result in dismissal of the appeal for want of prosecution.

ORDERED this 8th day of September, 2005.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE